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## NOTES ON MUNICIPAL GOVERNMENT.

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### AMERICAN CITIES.

**New York State.**—*Civil Service.* The working of the so-called Black Civil Service Act, which was intended to take the starch out of the civil service, has been so unsatisfactory that a number of bills have recently been introduced into the state legislature with a view to removing the manifest defects. A circular issued by the City Club of New York gives a very clear exposition of the present situation.

At the present time "three distinct systems of appointment exist as a result of the confused legislation of the past two years. In the departments and institutions of the state the Black Act is in force, as far as it has ever been possible to enforce it; in New York City, under the special authority alleged to be found in the charter, a system quite different from anything previously existing has been built up; while in Buffalo, Rochester, and, in fact, every other city of the state, the original act of 1883 is in force, having been revived by an act passed in March of last year.

"In New York City during 1898, under rules that differ widely from those in force elsewhere, and that have not been approved by the state board, the law has practically broken down. Seven hundred appointments were made without examination to 'confidential' or 'excepted' positions. Sixteen hundred were made under 'temporary' certificates, the majority of which are still continued. Five thousand were appointed as 'laborers,' many of whom were promptly 'assigned' to duties which should be performed only by persons who have passed competitive examination; and, exclusive of temporary medical inspectors in the health department, not more than five hundred were appointed after competitive examination. The result of this wholesale violation of the constitutional requirement of competitive examinations has been a great increase in the number and in the salaries of employes, and a material difference in the tax rate for the coming year. If these conditions are not corrected, the law, in so far as it applies to New York City, might as well be repealed.

"The bill which has been introduced and is being actively pushed, provides that all examinations shall, as far as practicable, be open and competitive, and that the tests employed be of a thoroughly practical character. For laborers the examinations would relate only to mechanical skill or physical capacity. Each appointment would be made,

as at present in the state service, from the eligible list most appropriate for the position to be filled; and the device of creating positions with titles unknown to the classification under the civil service law, now resorted to by appointing officers desiring to exercise arbitrary power of appointment, would become unavailable. Under the present law a temporary appointment may be made, for not more than thirty days, to a position for which an eligible list of applicants is not in existence; but hundreds of such appointments have been continued in New York City under the present administration for more than a year, with the prospect of further continuance. In the case of positions excepted wholly from examination, the provisions of the bill would permit only appointments under each title, unless otherwise provided by the rules.

"The section relating to cities would not interfere in any way with the principle of home rule. The local officers would have entire freedom of action, provided they did not violate the terms either of the constitution or the general act. In order to insure uniformity, the rules of each city would be submitted to the state commission, but for approval only. The mayor would appoint city commissioners. If he fails to do so within sixty days, the state commission may make the necessary appointments; and if the city rules are not drafted within sixty days more, the state commission may draft such rules. The state commission would have power to amend or suspend rules made by a city commission, if, after explanation by the city commission, it appeared plainly that the rules did not carry out the purposes of the law; and to remove local commissions for proved inefficiency or misconduct, but only by unanimous vote, after a full hearing on written charges and with the approval of the governor.

"The extension of the complete merit system to the counties of New York, Kings and Erie, as provided by the bill, clearly comes within the requirement of the constitution that the system shall be applied 'so far as practicable' to all public offices. The system is especially applicable to the large offices of these counties, in which hundreds of persons are employed. It is notoriously the fact, moreover, that the conditions in the county offices of New York require radical correction; and the application of the civil service rules to these offices cannot fail to have a good effect."

**Chicago.**—*Civil Service.* The Fifth Annual Report of the Civil Service Commission<sup>1</sup> records 5,270 official and 4,630 labor applications filed during the year. There have been 3,201 applications for positions in the official civil service since the Civil Service Law

<sup>1</sup> Timothy J. Cochran, Commissioner and Chief Examiner, 944 State street, Chicago.

became operative in August, 1895, and 2,508 for the labor service, making a grand total of 5,709 to December 31, 1899. The power of the commissioners under the present law is broader than that enjoyed by most municipal commissions. They are vested with power to make rules having the force of law and which have in every instance been upheld by the courts. The supreme court of the state has held that a certification cannot be set aside and that a decision of the Civil Service Commission, so long as the forms of law are observed, cannot be reviewed by any writ of certiorari. Discharged employes are entitled to a hearing before the commission. Vested with these powers the commission exercises complete control over the administrative service of the city and through its supervision of the pay rolls is enabled to keep close control over the changes in the administrative service of every department.

**Pittsburg.**<sup>1</sup>—*Official Responsibility.* The discovery of a system of fraud upon the city, by means of falsified pay-rolls in the bureau of highway and sewers, has had unexpected developments, directing public attention to the extent and nature of the responsibilities of heads of municipal departments. The director of the department of public works, who brought the matter to public knowledge, took the ground that prosecution and recovery were the business of the city controller and city attorney. A municipal ordinance gives the controller "supervision and control of the fiscal concerns of all officers of the city," and an act of assembly requires him to "report in writing to the city attorney any default or delinquency of any receiving or disbursing officer." These provisions were construed by the director and his adherents as removing from him the duty of following up the frauds. But the city charter provides that the heads of departments "shall appoint and be responsible for all the officers and employes of their several departments," and city councils held that the director was individually responsible for the acts of his subordinate, who was appointed by him and was bonded to him.

The dispute between councils and the director as to the site of the responsibility became acrimonious, and councils decided to remove the director from office. There was great public excitement, and it was vehemently denied that councils had the power of summary removal. The director was advised by his counsel that he could not be removed except upon impeachment proceedings, and he announced his intention of holding on to the office, in spite of adverse action by councils. An act of assembly of April 6, 1867, provides that "any officer or agent appointed by or under the authority of the city councils may be removed from office by a concurrent vote of a majority of

<sup>1</sup> Communication of Henry Jones Ford, Pittsburg, Pa.

all the members of each council." On June 11, by a vote of 63 to 21, councils removed Mr. Edward M. Bigelow from the office of director of the department of public works, and immediately elected his successor. The rooms occupied by Mr. Bigelow in the city hall were seized the same night, and steps were taken to resist any attempt by him to recover possession. The next morning, however, Mr. Bigelow announced that he would make no contest.

While this controversy was going on no steps were taken against the peculating bureau chief, and he disposed of his property and left the city. After the change in the directorship took place a warrant was issued for his arrest, but before it could be served he died from chronic ailments. On July 31, the city attorney entered suits against Mr. Bigelow and his bondsmen for sums amounting to \$49,353.26, on account of the peculations.

The affair has had the effect of causing a thorough discussion of official responsibility, forcing matters upon public notice, to which no attention had been given before. The charter has been subjected to a test which has shown its efficacy as an instrument of control, and at the same time the discretionary authority of councils has been exhibited in a way instructive to public opinion.

**Massachusetts.**—*Gas and Electric Lighting Commission.* The Fifteenth Annual Report of the Board of Gas and Electric Lighting Commissioners gives abundant indication of the thorough control which this board has gradually acquired over the gas and electric light undertakings, both private and municipal. One of the most important powers exercised by the board relates to the extension of the supply in cases where consumers demand such extension from private corporations. The statute provides that upon application of prospective consumers the board may issue an order requiring the company to supply gas or electric light upon such terms and conditions as are legal and reasonable. The board is, therefore, able to exercise continued pressure upon the companies to extend and develop their systems and not to confine themselves to the utilization of the most remunerative portions of the city. The board has continued to exercise careful control over the capitalization of the gas and electric light companies throughout the commonwealth.

On the question of municipal ownership the report shows a marked tendency towards the gradual extension of municipal functions in acquiring gas and electric light works. On June 30, 1899, seventeen towns owned and operated either the gas or electric lighting system, or both. The tendency seems to be for the towns to take up electric lighting rather than the gas supply, for of the seventeen towns in

question fifteen operated the electric light plants, and but two gas and electricity. During the year 1899 the towns which have taken action favorable to municipal ownership and operation are Westfield, Belmont, Beverly, Concord, Hudson, Hull, North Attleborough, Revere and Taunton.

*Metropolitan Water Works.* The Fifth Annual Report of the Metropolitan Water Board gives an interesting account of the extension of the field operations of the board. Under the original act the metropolitan district was made to comprise the cities of Boston, Chelsea, Everett, Malden, Medford, Melrose, Newton, Somerville and the towns of Belmont, Hyde Park, Revere, Watertown and Winthrop. The act permitted the admission of other cities and towns within a radius of ten miles of Boston, on conditions prescribed, and soon after its passage the city of Quincy and the town of Nahant were admitted. Arrangements were also made for supplying water to the town of Swampscott, which is situated beyond the ten-mile limit. The town of Arlington made application for admission into the district in November, 1898, and was admitted early in 1899. Under the arrangement the town paid the sum of fifteen thousand dollars in cash, and in addition transferred to the board property of an estimated value of fifteen thousand dollars. Although the board has been in correspondence with a number of other towns, no further admissions into the district have been made. The board is gradually acquiring control over all important water-sheds available for the supply of the district, and has already expended nearly twenty-one million dollars in improvements. With the gradual extension of its sphere of influence, it seems possible that the whole eastern district of Massachusetts will become one great municipal corporation, so far as the water supply is concerned.

*Civil Service.* The Sixteenth Annual Report of the Civil Service Commission of Massachusetts for the year 1899 reviews the activity of the commission during that period. The most interesting phase of the work has been the further development of the classified labor service. In Chapter 328 of the Acts of 1897 it was provided that applicants for the labor service in municipalities should be allowed to register to the number of five hundred on the first Mondays of February, May, August and November in each year. On the first of January, 1899, the commission ordered that the registration of laborers in Boston should be made upon the morning of every week day except Saturday. In Boston alone 4,643 men were registered during the year. There were 296 requisitions for labor service received, and 1,022 persons were certified. In Cambridge the number registered was 737, and 35 requisitions were received, upon which 596 names were

certified. For the other cities for the classified labor service the relation of registry to certification was as follows:

|                       | Number<br>Registered. | Number<br>Certified. |
|-----------------------|-----------------------|----------------------|
| New Bedford . . . . . | 236                   | 199                  |
| Newton . . . . .      | 80                    | 40                   |
| Everett . . . . .     | 187                   | 167                  |
| Worcester . . . . .   | 1,318                 | 1,144                |

**Boston.**—*Rapid Transit.* The report of the Boston Transit Commission for the year 1899 records the following at the close of the first year of operation of the new subway: The cost to date has been \$4,152,224.17, which is over \$800,000 less than the original estimate. It furnishes, therefore, one of the few instances in which a public work has been constructed for less than the original estimated cost. The Boston Elevated Railway Company, which enjoys a virtual monopoly of the street railway service, pays an annual rental of 4.78 per cent on the cost of the work. In 1899 this rental amounted to \$199,205.01. During the year the subway has undertaken some alterations in order to make it adaptable to the use of the elevated company, which is now constructing its system.

*Municipal Concerts.* The report of the municipal music commission gives an interesting account of the attempt of the municipality to furnish the best grade of musical entertainment. The appropriation of \$10,000 in the year 1899 was insufficient to meet the demands of the population, as the commissioners state that the work which has been undertaken "has proved of the very highest attractiveness and benefit to those classes of music-loving people of the city whose means do not enable them to pay for attendance at performances of as good a class of music as the department has furnished since its organization." The work which Boston has undertaken, while still on a comparatively small scale, is of such importance as an indication of the extension of municipal activity that the results of the experiment will be watched with great interest by other municipalities throughout the country.

**Indianapolis.**—The Fifth Annual Message of the present mayor of Indianapolis indicates the activity of our smaller cities, in coping with the various municipal problems consequent upon the development of industries and upon the congestion of population. The time has come when the city is in urgent need of a sinking fund, a permanent pest house, a sheltered market, and a plumbing inspector. The time has also come when the Indianapolis Gas Company can afford, and has been made to contract to furnish "artificial gas at one dollar per 1,000 cubic feet, with a proportional reduction for increased

consumption." The time has not come, however, when the loss of life at railroad crossings is so great, that, in abolishing the grade crossings, the city can afford to antagonize "the railroad and the manufacturing interests, upon which the city, situated inland as it is, depends and must always depend for its prosperity and advancement." Therefore the mayor's veto of the "ordinance of 1899, requiring the elevation of all railroad tracks within a certain radius."

Notwithstanding the mayor's recommendation for the erection of a pest house, sheltered market, etc., and for the continuance of liberal appropriations to parks, he congratulates the city upon "the reduction of the tax levy for the year 1900 from seventy cents to fifty-nine cents on the \$100." Doubtless recalling that such cities in Massachusetts regard \$10-\$16 on the \$1,000 as low, he says that "it will be impossible to keep the levy at the present low rate, unless some measures are taken to obtain revenues by taxing private corporations for use of streets and alleys, as prescribed in the city charter." (Indianapolis received last year from two telephone companies, one light and power company and one street railway company, \$42,000, enough to pay the city gas bill. While from various licenses, the receipts were \$194,000, or the equivalent of the expense of water, and gas, and electric lighting.)

The message contains a disquisition upon the influence of the tax-rate upon the growth of a city. It will be seen that the mayor does not discourage the doubling of the rate, providing this increase be in the nature of an investment. "Indianapolis presents many attractions, both as a place of residence as well as a manufacturing and business centre, and it should be the constant aim and endeavor to build up the city in those respects which are for the comfort and welfare of her citizens. Among these things may be mentioned a low rate of taxation, and I am glad to state such a rate has been maintained in Indianapolis, the lowest of any city of its class in the United States. It should constantly be the aim to keep the tax-rate at the lowest possible limit, but not at the expense of clean streets, an adequate fire and police protection, sufficient public lighting, safe and durable bridges, a suitable city hospital, and other public necessities."

**Iowa.**—*State Board of Control.* In 1898 the legislature of Iowa passed an act creating a State Board of Control over educational charitable, reformatory and penal institutions, which represents the widest extension of state control which has yet been made. The act provides for a commission of three,<sup>1</sup> to be appointed by the governor, with and by the advice and consent of the state senate. The

<sup>1</sup> William Larrabee, L. G. Kinne, John Cownie, members of the Board of Control of State Institutions, Des Moines, Iowa.



term of office is six years and the compensation \$3,000 per year. The commission is vested with full power to control the soldiers' home, the state's hospitals for the insane, college for the blind, school for the deaf, institution for the feeble-minded, soldiers' orphan home, industrial home for the blind, two industrial schools and the state penitentiaries. The board is also charged with the duty of investigating the reports and doings of the regents of the state university, the trustees of the state normal school and the state college of agriculture and mechanic arts, for the purpose of ascertaining whether the persons holding these positions have faithfully accounted for all moneys of the state which have been drawn from the state treasury in accordance with the law and have been so expended. As regards the charitable, reformatory and penal institutions, the powers are of the most inclusive character, as the board is expected to visit and inspect at least once in six months each of the institutions named and investigate their financial condition and management. They are to prescribe the forms of records and the kinds of accounts to be made and kept by the institutions specified; they are to make suggestions to the legislature respecting legislation for the benefit of these institutions; they may employ an architect to prepare plans, specifications, estimates and details for the building and betterment of these institutions. In addition they have power to investigate the question of the sanity and condition of any person committed in a state hospital and to discharge such person; to compel the superintendent, warden or other chief executive officer of each of the institutions under the control of the board to provide adequate and ready means of protection against fire. To fix annually, with the written approval of the governor, the annual or monthly salaries of all the officers and employes in the several institutions, except such as are fixed by the general assembly.

The board is to make the rules and regulations respecting the manner in which supplies shall be purchased and contracts made for the institutions under its control. The first biennial report of this commission has just appeared and contains an exhaustive examination of the financial conditions, the system of administration and the work done in every institution under its care. The most important service performed by the board has been to enforce a high standard of efficiency in all these institutions and to safeguard the disbursement of funds. The extension of the work of the board in controlling the construction and equipment of institutions is likely to make of it the most important organ in the administrative system of the state.

**San Francisco.**—*New Charter.* After three unsuccessful attempts the city of San Francisco has finally accepted the charter which was

framed under the constitutional amendment of 1890. This amendment gives to cities the power to call a charter convention, composed of freeholders, for the purpose of framing a charter, which charter goes into effect after being submitted to the legislature. For one reason or another the charters thus framed have in three successive instances been rejected by the people of San Francisco at popular elections. Finally, in 1899, a fourth charter, framed in this way, was accepted. In the new charter, the legislative power is vested in a board of supervisors, to which the formulation of municipal policy is confided. One of the important duties of this board is to fix the rate for gas, water and electric lighting which may be charged by private companies. While the board is limited by the legal principle laid down by the courts, that the companies are entitled to a fair return upon the reasonable value of their property at the time it is being used for the public, there is, nevertheless, considerable discretion left with the board. During the year 1899 the board made a reduction in the price of gas from \$1.75 to \$1.50 for private consumption and from \$1.50 to \$1.35 for public lighting.

*Election Under the New Charter.* The recent election under the new charter of San Francisco is of special interest as an indication of the probable effect of municipal home rule upon local political life. As we have already had occasion to point out in previous numbers of the ANNALS, the California constitution permits its cities to frame their own charters by means of a local charter convention. In 1899 a charter thus framed in San Francisco was accepted by the people at a special election. The first municipal election under the new charter called forth a special municipal party platform from both the democratic and republican parties. As such platforms are by no means common in this country, it is of interest to examine their condition. The most important provisions of the democratic platform advocate the public ownership of the water system and a reduction in price of gas and electric light. The republican municipal platform is very specific and pronounced in its advocacy of municipal ownership of public utilities. Both platforms are marked by the usual vagueness of such instruments, which enables a ready evasion of the principles to which the parties have committed themselves.

#### FOREIGN CITIES.

**Municipal Socialism in England.**—The American social reformer has apparently conceded that the foundations for reform must be first laid in the city, before state and national politics can be improved. Scarcely a city of note is without its municipal program, whether this be advocated by some labor leader, aggressive mayor or citizen's

league. Almost without exception these programs are defended by appeals to English successes in the establishment and conduct of various municipal enterprises. Opponents on grounds of principle are challenged to apply their theories and justify their prophecies in the specific cases of the abattoirs of Birkenhead, the tramways of Liverpool, the garbage, electric light, public bath plant of Shoreditch, the model lodging-houses of Manchester, the wash-houses and nurseries of Leeds, the potato fields of Brighton, or the artisans' dwellings of nearly every urban and rural district.

Singularly enough, the opposition to municipal enterprises has centred in the principle of government involved. It for a time seemed sufficient to sneer at these projects as socialistic. Later it became necessary to suggest that it was unsafe to follow English precedent or to adopt English theories, because our people and our conditions were radically different. But there still remained the uncontroverted successes of municipal enterprises in England, and the demand grew for public ownership of public utilities and natural monopolies, as well as for various sanitary improvements. There seems at the present time a regular campaign in progress against individual control not only of water, of gas and electric lighting, but likewise of street railways and even of telephones, while Boston leads the way in constructing free public baths. It would seem that now, in order to arrest this movement in American cities, it will be necessary to question the formerly impregnable argument that municipal trading in England is a success.

At the present time, a joint committee of both Houses of Parliament is inquiring into the effect of municipal trading, the Earl of Crewe being chairman of the committee. Evidence is being taken, not only from the high officials of the various municipal corporations, but also from representatives of the various trades, capitalists and other specialists in different departments of enterprise and administration. Thus, practically for the first time, the success of English municipal trading has been officially and seriously challenged. In later numbers of the ANNALS, we will give portions of the most important evidence taken, as well as the essence of the committee's report. At the present time we wish to call attention to the popular discussions through which the opposition of the conservative element to municipal socialism finds expression. To that end we cite Lord Avebury's article in the July *Contemporary Review*, entitled "Municipal Trading." The article contains six objections to municipal trading and proposes three conditions to its extension. The objections follow:

I. *Such a policy will involve an enormous increase of debt.*—One is surprised to learn that the amounts proposed to be raised by

municipalities during the past six years have grown from \$8,200,000 to \$195,000,000; that the indebtedness of local bodies in 1900 is \$1,250,000,000. It seems that the taking over of the water, gas, tramways and dwellings for the poor would add respectively, 500, 250, 150 and 250 millions, or over a billion dollars. These figures give some evidence of the wealth of English local bodies; they may not be conclusive evidence of the danger of municipal indebtedness.

II. *Municipal trading checks private enterprise.*—"Who will risk his money in competition with town councils, which have the bottomless purse of the taxpayers to draw on and have not to face any risk themselves?" "Speculative investments ought not to fall within the limits of municipal duties, or to be made with rate-payers' money." In London, it seems that one-fourth of the electors pay no rates; the writer evidently not granting that the poorer tenant indirectly pays rates. The statement is made that the Progressive party makes greatest gains in those districts where these non-rate-paying electors are in greatest proportion. Perhaps the fairest charge under this heading is that "local authorities from the first to the present have obstructed the introduction because they were interested in gas."

III. *The demand on the time of municipal councillors will preclude the devotion of sufficient consideration to real municipal duties, and will prevent business and professional men from undertaking municipal work.*—"On the London County Council, any councillor who takes his average share of committee work must even now devote at least three days to the work of the council. But if the water supply, electric lighting, management of tramways, the supply of omnibuses, etc., are to be undertaken by the council, the members must be prepared to devote the whole of their time to the business of the council, and even that will not be sufficient." The writer does not say that present burdens have caused any deterioration in the character of councillors.

IV. *It is undesirable to involve governments and municipalities more than can be helped in labor questions.*—"Already the staff of the London County Council forms a little army, and exercises a distinct influence in some municipal elections. Still, at present, the council employs the staff, but if the present tendency continues, the time will not be far distant when the staff will employ the council. . . . There is, moreover, some risk of jobbery and corruption, and we have in New York an example by which we should do well to take warning while we may."

The reader must be struck here with the mildness of the charges, conceding by implication that there is little concrete evidence of imminent danger of the kind cited.

V. *The interference with natural laws, in some important cases, has the effect of defeating the very object aimed at.*—"Take for instance the housing of the poor. It is generally agreed that in many, perhaps most of our cities, there are slum districts with houses unfit for human habitation. The municipalities have power under the existing law to compel the owners of such property to put it into a proper condition, and this power might be exercised; or secondly, they might buy the property and build workmen's dwellings themselves. The second is that adopted by various municipal authorities."

Octavia Hill is quoted as opposing this plan for three reasons: (1) The work will be done expensively. (2) The councils, which ought to be the supervising authorities, will themselves be pecuniarily interested in the houses to be supervised. (3) The electorate will be in large measure composed of tenants of the body to be elected. Of these objections, the serious one is the second. Health officers are experiencing throughout the kingdom that the economies demanded by rate-payers are incompatible with the sanitary building demanded by the building inspector. Municipalities are erecting tenements which are already a nuisance in the eyes of the present generation of sanitarians; for instance, Leeds is building back-to-back houses, in the face of protests from the chairman of the sanitary committee. Thus do municipalities not only give their sanction to unsanitary building, but they add to the opposition which sanitary reform of the next generation must overcome.

Lord Avebury suggests a correction of the expression "Housing of the Poor." He maintains that in actual practice the poor are dishoused in greater proportion than they are housed. This is a grave charge, and it is to be regretted that general statistics were not adduced to support it. It deserves mention, however, that a considerable proportion of the sanitary officials and reformers of the kingdom feel that the standard of habitation can best be raised by exacting building rules and careful inspection. They call attention to the fact that Professor Geddes, in regenerating Castle Hill, in Edinburgh, purged one slum only to create another, while Shoreditch has dishoused the needy to enable the less needy to lower the amount of rent paid for desirable houses. It quite shocked the rate-payers when it was discovered that one of the largest tenements was occupied almost exclusively by ministers of the gospel, who, presumably, do not belong to the needy classes.

VI. *"There is a risk, not to say certainty of loss."*—It must be said that the article does not bring figures from a sufficiently wide field to demonstrate this proposition. It is interesting to know, however, that in 1899, of the boroughs supplying their own water, there was a

profit of \$700,000 in twenty-eight, and a loss of \$1,300,000 in nineteen. The essential question is, of course, are boroughs trying to make profits from their water works?

Manchester might have been cited. There it was found necessary to erect cottages as a concession to the prejudice against tenements. One area devoted to cottages holds eighty-two families; another of equal size occupied by tenements, is inhabited by 800 people. In this case, either the cottages must be rented at a loss, or else lack the sanitary conveniences, which are possible in the large tenements.

Lord Avebury distrusts and attacks municipal trading as the "essence of socialism," and would check its growth by the following provisions:

1. No extension of municipal trading for purposes not yet sanctioned, except after full notice and special parliamentary inquiry.
2. As regards water, lighting, tramways, and telephones, fresh undertakings by municipalities should only be sanctioned if it can be shown that there are special reasons why they should be carried on by the municipality rather than by private enterprise.
3. Any rate-payer objecting should have a right to be heard and give reasons against the bill.

The drastic character and practicability of the remedy proposed are good subjects for our consideration.